

REMARKS

Applicant submits this Reply to the Office Action mailed October 15, 2007. By this Reply, Applicant has amended claims 11, 17, and 24 and canceled claim 14. Accordingly, claims 11-13 and 15-25 are pending in this application.

In the Office Action, claim 12 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action asked, “[a]ren’t the baffles on the stator, not the rotor?” Office Action at 2. Both stator 1 and rotor 3 have baffles associated with them. Baffles 11 are associated with the stator, while baffles (projections) 15 are associated with the rotor. As explained by the specification,

[t]he processing zone on the stator side is formed by four baffles 11 and two strainer basket halves 12, whereby every two baffles are arranged above and two are arranged below on the stator 1 and in between the strainer basket halves 12 are arranged such that they fully encircle the rotor 3 with the baffles 11 in an axial direction. The rotor 3 is composed of a cast roller 13 with a hollow shaft 14. The roller 13 contains at least two projections 15 and assigned slots 16, which are arranged on the periphery of the roller 13 spaced uniformly from one another, and which extend over the entire length of the processing zone 6.

Specification at 3. See *a/so*, Fig. 2. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 112, second paragraph (indefiniteness), rejection.

In the Office Action, claims 11, 13, 14, and 16 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,953,165 to Griebat et al. (“Griebat”); claims 17-21 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S.

Patent No. 5,036,757 to Mueller ("Mueller"); claims 17-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,583,455 to Salete-Garces ("Salete-Garces"); claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Griebat; and claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Griebat in view of either Salete-Garces or Mueller. Applicant respectfully traverses these rejections for the reasons provided below.

To anticipate a claim, the reference must disclose each and every element of the claim. MPEP § 2131. Griebat fails to anticipate independent claim 11 because Griebat does not disclose each and every element of amended claim 11. For example, claim 11 recites: "A process for husking and/or seeding grains, including: dry cleaning the grains; seeding the grains immediately thereafter; aspirating the seeded grains; and directly milling the aspirated seeded grains into grits or meal." Griebat discloses "a short flow milling process wherein finished product is rapidly isolated and removed from the milling process flow regime at early stages." Griebat, Abstract. Griebat adds that the "preferred method of degermination typically achieves breakage of the kernel into relatively large pieces, dislodging the germ." Griebat, col. 5, ll. 27-26. Griebat further discloses that degermination is followed by a separation step and a post-degermination sifter prior to milling. Griebat, col. 5, ll. 29-34. See *also*, Griebat, claim 4. In other words, whereas claim 11 recites "directly milling the aspirated seeded grains into grits or meal" (emphasis added). Griebat discloses a separation step and a post-degermination sifter process prior to milling. Accordingly, Griebat does not anticipate claim 11 and its dependent claims, 13 and 16.

Regarding the 35 U.S.C. § 102(b) rejection of claims 17-21 as being anticipated by Mueller, Mueller does not disclose each and every element of claims 17-21 and thus cannot anticipate the claims. Independent claim 17 recites, among other things, “wherein the rotor includes a hollow shaft enclosed in a region of the processing zone by a roller and wherein the roller has a plurality of projections that elongate parallel to an axis of rotation of the rotor.” Mueller discloses “an apparatus for shelling and degerminating corn.” Mueller, col. 1, ll. 7-8. Mueller further discloses that “[k]nob plates 26, which are like circle segments in cross section, are screwed on along the length of the core 24 on its plane portions so as to be detachable.” Mueller, col. 3, ll. 47-50. Mueller adds that “[t]hese knob plates 26 are outfitted with knobs on a spiked manner, wherein the knobs are arranged or structured in the shape of a helix in the inlet area.” Mueller, col. 3, ll. 50-53. The knobs disclosed by Mueller, however, appear to extend perpendicular to an axis of rotation of the rotor. Mueller, Fig. 2. In contrast, independent claim 17 recites, among other features, “a plurality of projections that elongate parallel to an axis of rotation of the rotor.” Accordingly, Applicant respectfully requests withdrawal of the Section 102(b) rejection of claim 17 and its dependent claims 18-21.

With respect to the 35 U.S.C. § 102(b) rejection of claims 17-25 as being anticipated by Salete-Garces, Salete-Garces does not disclose each and every element of claims 17-25 and thus cannot anticipate the claims. For example, independent claim 17 recites, among other things, “wherein the rotor includes a hollow shaft enclosed in a region of the processing zone by a roller and wherein the roller has a plurality of projections that elongate parallel to an axis of rotation of the rotor.” Independent claim

24 recites, among other things, “a roller disposed radially outward from the shaft and including a plurality of projections that elongate parallel to the axis of rotation of the rotor.” Salete-Garces discloses “a screen and rotor assembly for a grain husking, decorticiating, polishing and whitening machine.” Salete-Garces, Abstract. Salete-Garces further discloses that the “hollow rotor is provided with at least one pair of grooves 51 and 52, wherein suitable rotating abrading inserts are accommodated . . . inserts 91 (FIG. 6) are introduced within each one of the grooves 51 and 52” Salete-Garces, col. 9, ll. 56-62. Nonetheless, inserts 91 disclosed by Salete-Garces appear to extend perpendicular to an axis of rotation of the rotor. Salete-Garces, Fig. 6. In contrast, each of independent claims 17 and 24, though of varying scope, recites, among other features, “a plurality of projections that elongate parallel to the axis of rotation of the rotor.” Accordingly, Applicant respectfully requests withdrawal of the Section 102(b) rejection of claim 17 and its dependent claims 18-23 and claim 24 and its dependent claim 25.

Regarding the rejection of claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Griebat, Applicant submits that no *prima facie* case of obviousness has been established. Applicant notes that to establish a *prima facie* case of obviousness, even though “the prior art reference (or references when combined) need not teach or suggest all the claim limitations,” the Examiner must still consider all of the words in a claim. MPEP § 2143.03. This rejection does not consider each of the elements of claims 11, from which claim 15 depends. For example, the rejection does not consider “aspirating the seeded grains; and directly milling the aspirated seeded grains into grits or meal, as recited in claim 11 (emphasis added). For at least this

reason, no *prima facie* case of obviousness has been established. Claim 15 is therefore allowable for at least the same reasons that claim 11 is allowable.

With respect to the rejection of claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Griebat in view of either Salete-Garces or Mueller, Applicant submits that no *prima facie* case of obviousness has been established. In particular, this rejection does not consider each of the elements of claim 11, from which claim 12 depends. For example, the rejection does not consider “aspirating the seeded grains; and directly milling the aspirated seeded grains into grits or meal, as recited in claim 11. As noted above in connection with claim 11, Griebat does not disclose this feature. And Salete-Garces and Mueller fail to remedy this shortcoming. Indeed, the Office Action does not rely on either Salete-Garces or Mueller for disclosing the feature of claim 11 set forth above. For at least this reason, no *prima facie* case of obviousness has been established and claim 12 is therefore allowable for at least the same reasons that claim 11 is allowable.

The Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, and drawings in this Reply, it is to be understood that Applicant is in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

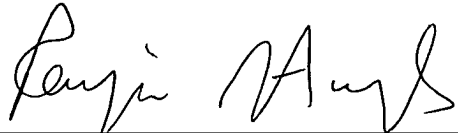
In view of the foregoing remarks, Applicant submits that this claimed invention as defined by pending claims 11-25 is not anticipated nor rendered obvious by the prior art references cited against this application. Applicant therefore requests the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: 
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